

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO.: 3:11CV422
Plaintiff,	:	JUDGE TIMOTHY S. BLACK
v.	:	
(1) REAL PROPERTY KNOWN AS	:	
250 N. GARLAND AVENUE,	:	
DAYTON, OHIO 45403, et al.	:	
Defendants.	:	

AGREED ORDER AND DECREE OF FORFEITURE

It is hereby stipulated and AGREED by and between Plaintiff, United States of America, and Potential Claimant MICHAEL O. HANSON, JR., and the Court hereby finds that:

1. In this civil forfeiture action, filed on November 20, 2011, the United States seeks the forfeiture of the following numbered Defendants:

- (1) All right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements on such tract, known as 250 N. Garland Ave., Dayton, Montgomery County, Ohio 45403, with the following legal description:

Situated in the City of Dayton, County of Montgomery and State of Ohio:

being lot number 41329 of the consecutive numbers of lots of the revised plat of the said City of Dayton, Ohio.

Parcel ID: R72-48-10-167

Prior instrument reference: 07-099651 of the Deed Records of Montgomery County, Ohio.

- (2) All right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements on such tract, known as 4956 Dayton-Liberty Road, Dayton, Montgomery County, Ohio 45417, with the following legal description:

Situated in the Township of Jefferson, County of Montgomery, State of Ohio and being Lot Numbered Sixteen (16) Liberty Meadows Subdivision, Section Three, as recorded in Plat Book "WW", Page 61 of the Plat Records of Montgomery County, Ohio, formerly described as and being located in Section 11, Town 3, Range 5 East, and being a tract of land described as follows: Beginning at a point in the centerline of the Dayton and Liberty Road, said point being also the northeast corner of Liberty Meadows Subdivision, Section 2, as recorded in Plat Book "RR", Page 67 in the Plat records of Montgomery County, Ohio, said point being also in the north line of Section 11; thence with the east line of said Liberty Meadows Subdivision, Section 2, South five degrees forty-five minutes ($5^{\circ} 45'$) East for one hundred fifty-seven and $70/100$ (157.70) feet; thence North eighty-four degrees fifteen minutes ($84^{\circ} 15'$) East for sixty-nine and $94/100$ (69.94) feet to a point in the west line of land conveyed to Miriam R. Adams by deed recorded in Book 1381, Page 263 in the Deed Records of Montgomery County, Ohio; thence with the west line of said Adams land North five degrees forty-three minutes ($5^{\circ} 43'$) West for one hundred fifty seven and $70/100$ (157.70) feet to the centerline of said Dayton and Liberty Road and the North line of said Section 11, South eighty-four degrees fifteen minutes beginning containing no and $253/1000$ (0.253) acres more or less; subject however, to all legal highways and easements of record. The description herein of this (0.253) acres describes a parcel of land East of Lot No. 5, Liberty Meadows, Section 2.

Parcel ID: G27-18216-0016

Prior instrument reference: 09-018195 of the Deed Records of Montgomery County, Ohio.

- (3) All right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements on such tract, known as 6622 Hoover Ave., Dayton, Montgomery County, Ohio 45417, with the following legal description:

Situate in Section 34, Town 4, Range 5 East, in the City of Trotwood, Montgomery County, Ohio, being all of the land (0.867 acres and 0.448 acres by deed) as conveyed to US Bank NA, Trustee by deed recorded in SF/D 07-089456 of the Deed Records of Montgomery County, Ohio and being a tract of land more particularly described as follows:

STARTING FOR REFERENCE at a railroad spike found at the intersection of the centerline of Hoover Avenue (40' right-of-way) and the west line of said Section 34 (and the centerline of Union Road (40' right-of-way));

Thence from said REFERENCE POINT N 89° 29' 00" E with the centerline of Hoover Avenue a distance of 1836.46 feet to a MAG nail set at the northeast corner of the 0.82 acre tract conveyed to Frank Slemker and Virginia G. Slemker by deed recorded in Instrument Record Number Deed 03-146842, said nail being the TRUE POINT OF BEGINNING for the herein described parcel;

Thence from said TRUE POINT OF BEGINNING N 89° 29' 00" E continuing with the centerline of Hoover Avenue a distance of 250.00 feet to a MAG nail set at the northwest corner of the 1.082 acre tract conveyed to Dan C. Gordon and Mary Lou Gordon by deed recorded in Instrument Record Number Deed 04-125398;

Thence S 00° 31' 00" E with the west line of said 1.082 acre tract a distance of 191.70 feet (passing a 5/8" iron pin set at 20.00 feet at the south right-of-way line of Hoover Avenue) to a 1" iron pipe found in the north line of the 43.013 acre tract conveyed to William H. Goddard and Beverly S. Goddard, Trustees, at the southwest corner of said 1.082 acre tract;

Thence S 89° 29' 00" W with the north line of said 43.013 acre tract a distance of 324.94 feet to a 5/8" iron pin set at the southeast corner of the 0.133 acre tract conveyed to Frank Slemker and Virginia Slemker by deed recorded in Instrument Record Number Deed 03-146841 and as shown on Survey Record 3-M-858 of the Montgomery County Engineer's Record of Land Surveys;

Thence N 18° 50' 35" E with the east line of said 0.133 acre tract a distance of 182.79 feet to a 5/8" iron pin set on the east line of said 0.82 acre tract at the northeast corner of said 0.133 acre tract;

Thence N 36° 11' 38" E with the east line of said 0.82 acre tract a distance of 24.00 feet to the TRUE POINT OF BEGINNING, containing 1.280 acres of land, subject to all legal conditions, easements and rights-of-way pertaining to the premises herein described. This description prepared by Norfleet, Brown & Petkewicz, Inc. based on a survey made by same in November 2007 under the direct supervision of Kirk P. Diehl, P.S. #7032. All iron pins set are 30" x 5/8" capped "N.B.P.". Bearings are based on the centerline of Hoover Avenue being N 89° 29' 00" E as shown on SF/D 07-089456. Plat of Survey recorded in the Montgomery County Engineer's Record of Land Surveys in Volume 2007, Page 489.

Parcel ID: H33-023-10-0059

Prior instrument reference: 08-006850 of the Deed Records of Montgomery County, Ohio.

- (4) All right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements on such tract, known as 7220 Post Town Road, Dayton, Montgomery County, Ohio 45426, with the following legal description:

Situate in part of Section 21, Town 4, Range 5 East in the City of Trotwood, Montgomery County, Ohio and being all of a (1.304) acre tract conveyed to Michael C. Metcalf as described in I.R.-Deed-04-07967 of the deed records of Montgomery County, Ohio and being more particularly described as follows:

Commencing at a railroad spike found at the intersection of the centerlines of Union Road and Post Town Road;

thence North 58° 27' 36" West with the centerline of Post Town Road a distance of 1113.93 feet to a 1/2" iron pin found at an angle in the said centerline;

thence North 58° 35' 10" West with the centerline of Post Town Road a distance of 36.09 feet to a PK nail found at the Northwest corner of Tina G. Williams' 1.098 acre tract as described in I.R.-Deed-04-143447 and at the place of beginning of this description;

thence South 1° 04' 33" West with the said 1.09 acre tract, passing a 5/8" iron pin found on the right of way at 28.67 feet, a distance of 417.53 feet to a 5/8" iron pin found at the Southwest corner thereof on a North lint of

B&B Commercial Investments 268.889 acre tract as described in I.R.-
Deed-04-15824;

thence with the 268.889 acre tract the following two (2) calls: North 89°
30' 41" West a distance of 124.91 feet to a 5/8" iron pin found;

thence North 00° 50' 47" East, passing a 5/8" iron pin found on the right
of way at 464.33 feet, a distance of 493.07 feet to a 1/2" iron pin found in
the centerline of Post Town Road;

thence South 58° 35' 10" East with the centerline of Post Town Road a
distance of 147.01 feet to the place of beginning; containing 1.315 acres of land,
more or less, and being subject to all legal highways and easements of record.

The bearing North 58° 27' 36" West on the centerline of Post Town Road
was taken from Survey Record 2004-0253 and was used as the basis for
the bearings for this description.

This description prepared by William A. Boyer, Registered Surveyor No.
5408, in accordance with a field survey dated Jan. 4, 2005.

Parcel ID: H33-22-9-64

Prior instrument reference: 09-025002 of the Deed Records of
Montgomery County, Ohio.

- (5) Account Contents of Chase Bank, Acct.#9262, in the amount of \$477.85;
- (6) Account Contents of Chase Bank, Acct. #9262, in the amount of \$838.76;
- (7) Account Contents of Code Credit Union, Acct. #2273, in the amount of
\$4,567.94;
- (8) Account Contents of Universal One Credit Union, Acct. #7937, in the
amount of \$1,456.05;
- (9) \$243.00 US Currency;
- (10) \$2,041.00 US Currency;

- (11) \$2,174.00 US Currency;
- (12) 1977 Chevrolet Monte Carlo, VIN:1H57L7K494892;
- (13) 1995 Chevrolet Silverado, VIN:1GCEK14K2SZ261811;
- (14) 1999 GMC Savana Conversion Van, VIN:1GDFG15R8X1135617;
- (15) 2001 Toyota Sequoia, VIN:5TDZT38A21S010900;
- (16) Three Misc. Firearms: Rossi 7.62 Rifle, SN:A53092; Norinco Sport R SKS 7.62 Rifle, SN:28003287; and Rossi .38 Special Revolver, SN:17475;
- (17) Two Misc. Firearms: Beretta .38 Special Handgun Rossi, SN:039063MC and Colt 44-40 Revolver, SN:142990;
- (18) Misc. Electronic Equipment:
H264 Surveillance System, SN:012VNH04RD972324;
32" Phillips TV, SN:YA2A0732050669;
52" Samsung TV w/wall mount, SN:ALXS3CFQZ03758A;
32" Samsung TV, SN:B4693CDQ309043Z;
Bose Sound System w/DVD, SN:049331F81790796AE;
Toshiba Laptop, SN:99253554K;
Dell Laptop, SN: unknown; and
Apple Mac Book Pro, SN:W89121577AP; and
- (19) 19" LG TV, SN:804AMEG0F924.

(Doc. 1).

- 2. The United States alleged in the Complaint that the Defendants are subject to forfeiture pursuant to 21 U.S.C. §881(a)(4) (6) and (7) and 18 U.S.C. §981(a)(1)(A) and (C), and attached an Affidavit by Robert Buzzard, Special Agent for the Federal Bureau of Investigation (FBI) setting forth the United States' basis to believe that the Defendants are subject to forfeiture (Doc. 1.)
- 3. The notice of the Complaint for Forfeiture against Real Property was posted at each of the Defendant Real Property locations on December 22, 2011. (Docs. 8, 9, 10 and 11.)
- 4. MICHAEL O. HANSON, JR. is the titled owner of all the real property Defendants.

5. MICHAEL O. HANSON, JR. was served with the Summons & Complaint on December 14, 2011. (Doc. 27.)
6. The only liens of record are filed against Defendant One, 250 N. Garland Avenue, Dayton, Ohio. The liens are held by: Ohio Department of Jobs and Family Services (ODJFS), State of Ohio Department of Taxation, and Ohio Bureau of Worker's Compensation. Each of the liens are against the prior owner of the property, JOANNE ALLEN. The Ohio Department of Jobs and Family Services (ODJFS) was served with the Summons & Complaint on December 19, 2011. (Doc. 30.) The State of Ohio Department of Taxation was served with the Summons & Complaint in December 19, 2011. (Doc. 29.) The Ohio Bureau of Worker's Compensation was served with the Summons & Complaint on December 19, 2011. (Doc. 28.)
7. Notice of the forfeiture action against the Defendants was posted on an official government internet site (www.forfeiture.gov) beginning on December 15, 2011 in accordance with Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. (Doc. 31.).
8. No claims have been filed.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The following Defendants:
 - (1) All right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements on such tract, known as 250 N. Garland Ave., Dayton, Montgomery County, Ohio 45403, with the following legal description:

Situated in the City of Dayton, County of Montgomery and State of Ohio:

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thence with the 268.889 acre tract the following two (2) calls: North 89° 30' 41" West a distance of 124.91 feet to a 5/8" iron pin found;

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- (9) \$243.00 US Currency;
- (10) \$2,041.00 US Currency;
- (11) \$2,174.00 US Currency;
- (12) 1977 Chevrolet Monte Carlo, VIN:1H57L7K494892;
- (13) 1995 Chevrolet Silverado, VIN:1GCEK14K2SZ261811;
- (14) 1999 GMC Savana Conversion Van, VIN:1GDFG15R8X1135617;
- (15) 2001 Toyota Sequoia, VIN:5TDZT38A21S010900;
- (16) Three Misc. Firearms: Rossi 7.62 Rifle, SN:A53092; Norinco Sport R SKS 7.62 Rifle, SN:28003287; and Rossi .38 Special Revolver, SN:17475;

(17) Two Misc. Firearms: Beretta .38 Special Handgun Rossi, SN:039063MC and Colt 44-40 Revolver, SN:142990;

(18) Misc. Electronic Equipment:
H264 Surveillance System, SN:012VNH04RD972324;
32" Phillips TV, SN:YA2A0732050669;
52" Samsung TV w/wall mount, SN:ALXS3CFQZ03758A;
32" Samsung TV, SN:B4693CDQ309043Z;
Bose Sound System w/DVD, SN:049331F81790796AE;
Toshiba Laptop, SN:99253554K;
Dell Laptop, SN: unknown; and
Apple Mac Book Pro, SN:W89121577AP; and

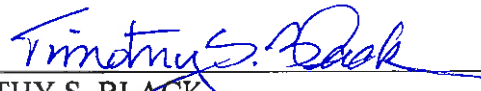
(19) 19" LG TV, SN:804AMEG0F924.

are hereby forfeited to the United States pursuant to 21 U.S.C. §881(a)(4), (6) and (7) and 18 U.S.C. §981(a)(1)(A) and (C).

2. All right, title and interest to Defendants described above, including but not limited to any interest of MICHAEL O. HANSON, JR., the Ohio Bureau of Employment Services, the State of Ohio Department of Taxation and the Ohio Bureau of Worker's Compensation is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.
3. Any and all claims which MICHAEL O. HANSON, JR. may have against the Plaintiff, its agencies, and/or employees as well as local law enforcement agencies and their employees, arising out of the facts giving rise to this forfeiture action are hereby RELEASED.
4. The parties shall bear their own costs, including any possible attorneys' fees, court costs, or other expenses of litigation.
5. The Court will retain jurisdiction to enforce the terms of this Agreement.

6. This case is terminated on the docket.

SO ORDERED:


TIMOTHY S. BLACK
UNITED STATES DISTRICT JUDGE

CARTER M. STEWART
United States Attorney

s/Pamela M. Stanek
PAMELA M. STANEK (0030155)
Assistant United States Attorney

s/Richard S. Skelton
RICHARD S. SKELTON
Attorney for Potential Claimant,
MICHAEL O. HANSON, JR.